

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ORDER RESETTING TRIAL

Before the court is Defendant Erika Susan Perdue's Amended Agreed Motion for Continuance of Pre-Trial and Trial Settings, filed March 28, 2013. The government does not oppose the motion. Upon consideration of the motion and the applicable law, and in accordance with the findings set forth below, the court determines that the motion should be and is hereby **granted**.

Defendant Perdue requests a continuance because newly retained counsel for the defense, Patrick McLain, has identified additional discovery matters, and there is a need for a computer forensic examination of the evidence. Counsel for the government agrees with the request for a continuance of both the deadline for the filing of motions and the trial setting. Defense counsel has requested a continuance until August 26, 2013, or later to complete discovery with the government, submit motions to the court, or come to an agreed resolution to this case. Both counsel for the defense and counsel for the government have heavy trial schedules in the ensuing few months.

The court has a full criminal trial docket during the month of September but is able to clear its docket in mid October. Both parties have communicated with the court's coordinator, Tannica Stewart, that they are available to try this case in October. In accordance with 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), this court finds that the ends of justice served by granting this motion for

continuance outweigh the best interest of the public and Defendant in a speedy trial. In this regard, this court has considered factors indicating that its failure to grant this motion would deny counsel for Defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Therefore, any period of delay resulting from this court's granting the motion for continuance shall be excluded in computing the time within which the trial of this cause must commence under 18 U.S.C. § 3161.

Accordingly, the current trial setting of May 20, 2013, is hereby **vacated**, and this case is reset for trial on **Tuesday, October 15, 2013, at 9:00 a.m. This will be the fifth continuance in this case. The court expects this to be final trial setting in this case. The court expects this case to be resolved or the parties to be ready to try the case in October. Any further motions for continuances of the trial date will be denied unless exceptional or extraordinary circumstances can be shown to exist.**

The following revised scheduling order is issued for Defendant Erika Susan Perdue:

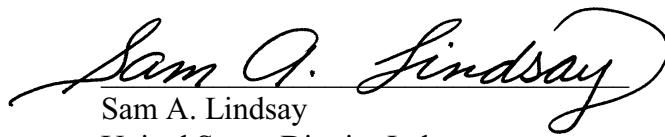
Motion Deadline: August 9, 2013, at 4:00 p.m.

Motion Response Deadline: August 23, 2013, at 4:00 p.m.

Trial Setting: October 15, 2013, at 9:00 a.m.

All other portions of the court's original Criminal Trial Scheduling Order remain in effect.

It is so ordered this 29th day of March, 2013.



Sam A. Lindsay
United States District Judge

